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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable William Smith  
Lauderdale County License Commissioner  
Post Office Box 1059  
Florence, Alabama 35631

License Commissioners – Advertising –  
Motor Vehicle Tags – License Plates –  
Distinctive Tags

The Lauderdale County License  
Commissioner may not include  
advertisements promoting specialty,  
distinctive, or collegiate tags in any  
monthly courtesy tag-renewal notices.

Dear Commissioner Smith:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

May the Lauderdale County License  
Commissioner include in the mailed monthly courtesy  
tag-renewal notices advertisements promoting any of  
the Alabama specialty or collegiate tags? If yes, what,  
if any, compensation can be collected?

FACTS AND ANALYSIS

Your letter of request states that the Lauderdale County License Commissioner's Office mails courtesy renewal notices to residents of Lauderdale County to inform those residents that their vehicle license plates or boat registrations must be renewed. You indicate that your office has contracted with a local vendor to prepare and mail these renewal notices and that the county pays the vendor on a monthly basis. Moreover, you explain that special

or distinctive tag-sponsoring organizations, including in-state collegiate tag-sponsoring educational institutions, have approached your office with offers to advertise with the renewal notices in exchange for payments to defray postage costs and other expenses related to the renewal notices. You wish to know whether you may contract with these tag-sponsoring organizations to advertise with the renewal notices and, if so, what form of compensation your office may receive from the advertisements.

Counties and county officials are creatures of statute and may exercise only the authority conferred on them by the Legislature. *See, generally, Dillard v. Baldwin County Comm'n*, 833 So. 2d 11 (Ala. 2002); opinion to Honorable Kim Hastie, Mobile County License Commissioner, dated September 27, 2012, A.G. No. 2012-090, at 3. Section 32-6-65(a) of the Code of Alabama charges counties with the responsibility of handling vehicle registration. ALA. CODE § 32-6-65 (2010).

Section 45-39-200, *et seq.*, of the Code of Alabama is a local act applicable to Lauderdale County providing for the office of county license commissioner. ALA. CODE §§ 45-39-200 to 45-39-201.02 (2015). Section 45-39-200.04 grants the license commissioner the authority to, among other things, issue motor vehicle license tags and perform all duties relative to the assessment and collection of taxes on motor vehicles. ALA. CODE § 45-39-200.04 (2015). Section 45-39-200.15 requires the license commissioner to mail a form to owners of motor vehicles that requests payment of the annual license tax. ALA. CODE § 45-39-200.15 (2015).

It does not follow that because a license commissioner may send renewal notices to residents of the county, he or she may also include with the renewal notices advertisements promoting Alabama specialty, distinctive, or collegiate tags. This Office recently stated that we “are not aware of any . . . provisions of the law that would specifically authorize the License Commissioner [of Mobile County] to engage in these transactions,” namely, transactions to sell advertisements to private companies for inclusion in the county’s license-renewal notices. *See Hastie*, at 3. This Office is also not aware of any provisions of law that would specifically authorize the license commissioner to use renewal notices to advertise specialty, distinctive, or collegiate tags. Nothing in section 32-6-64, *et seq.*, of the Code of Alabama regarding licensing and registration, or in the local act pertaining to Lauderdale County, authorizes the license commissioner to use renewal notices to advertise specialty, distinctive, or collegiate tags.

Because the Legislature has not authorized the license commissioner to use renewal notices to advertise specialty, distinctive, or collegiate tags, the

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license commissioner may not include such advertisements with the renewal notices to defray postage costs and other expenses related to the renewal notices. Based on the answer to your first question, your second question is moot and cannot be answered by this Office. ALA. CODE § 36-15-1 (2013).

CONCLUSION

The Lauderdale County License Commissioner may not include advertisements promoting specialty, distinctive, or collegiate tags in any monthly courtesy tag-renewal notices.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Allen P. Mendenhall of my staff.

Sincerely,

LUTHER STRANGE  
Attorney General  
By:

  
G. WARD BEESON, III  
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